

EXHIBIT D

1 IN THE UNITED STATES DISTRICT COURT

2 WESTERN DISTRICT OF TENNESSEE

3 EASTERN DIVISION

4 CONSOLIDATED INDUSTRIES, LLC d/b/a
5 WEATHER KING PORTABLE BUILDINGS,

6 Plaintiff

7 vs

No. 1:22-cv-01230-STA-jay

8 JESSE A. MAUPIN, et al,

9 Defendants.

10
11 VIDEOTAPED DEPOSITION OF DANIEL HERSHBERGER
12 MAY 15, 2025

12:38 P.M.

13 LOUISIANA BOULEVARD, NORTHEAST, SUITE 10400
14 ALBUQUERQUE, NEW MEXICO 87110

15
16 PURSUANT TO THE FEDERAL RULES OF CIVIL

17 PROCEDURE this deposition was:

18
19
20 TAKEN BY: DAVID L. JOHNSON, ESQ.
21 ATTORNEY FOR PLAINTIFF

22
23 REPORTED BY: KIM KAY SHOLLENBARGER
24 NEW MEXICO CCR#236
25

CONSOLIDATED INDUSTRIES v JESSE A. MAUPIN
HERSHBERGER, DANIEL 05/15/2025

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A P P E A R A N C E S

For the Plaintiff:

David L. Johnson, Esq.
Butler Snow, LLP
150 3rd Avenue South, Suite 1600
Nashville, Tennessee 37201
(615) 651-6700
david.johnson@butlersnow.com

For the Defendants:

Thomas Pasternak, Esq.
Taft Stettinius & Hollister, LLP
111 East Wacker Drive, Suite 2600
Chicago, Illinois 60601
(312) 836-4134
tpasternak@taftlaw.com

Also Present: Charles Martinez - Videographer
Dominic Martinez - Videographer (in training)
Jesse Maupin
Ryan Brown

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1 Q. Let's pull out Exhibit Number 2. I want to look at
2 Interrogatory Number 3 and your response to that. Take a
3 moment to read the question. In that interrogatory it's
4 asking you about your communications between January 1, 2021
5 and the day you left Weather King relating to the creation,
6 formation or potential creation, formation or operation of
7 any business enterprise in the portable building industries,
8 correct?

9 A. Uh-huh.

10 Q. Is that a yes?

11 A. Yes.

12 Q. And what's your response to that interrogatory?

13 A. The response was, the response was, none.

14 Q. Is that a truthful and accurate response, Mr.
15 Hershberger?

16 A. I believe, to the best of my knowledge, it was true.

17 Q. So before you left you didn't have a single
18 conversation with Jesse Maupin about the possibility of
19 another portable buildings company?

20 A. About the possibility or the existence?

21 Q. Possibility.

22 A. Okay, I had a conversation with Jesse.

23 Q. You had one conversation with Mr. Maupin?

24 A. I had an ongoing conversation with Jesse on multiple
25 occasions.

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1 Q. Why then in response to this interrogatory did you
2 state, "none," under penalty of perjury?

3 A. Because I didn't understand the question to be that.

4 Q. Do you understand now that your response to this
5 interrogatory is not truthful and accurate?

6 A. That was truthful and accurate as I understood the
7 question.

8 Q. Did you discuss the question with anybody?

9 A. No.

10 Q. When did you first hear about the possible creation
11 of ABCO? And when I say -- if I say ABCO or American Barn
12 we're both talking about American Barn Company, correct?

13 A. Correct. I can't put a date on when I first heard
14 of a possible ABCO.

15 Q. Was it in January of 2022?

16 A. Approximately.

17 Q. How did you first hear about it?

18 A. I had communicated with Jesse that I was ready to
19 quit my job, that things were getting bad, and we needed to
20 do -- I needed to do something different for myself. And it
21 came about very similar to what we've heard other testimony
22 was, you know, there might be something else happening. But
23 there was no ABCO, there was nothing tied to that
24 conversation at that time.

25 Q. What was said specifically by Mr. Maupin?

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1 documents exchanged with any then-current Weather King
2 employees after January 1, 2022.

3 A. I suppose in that way that could be.

4 Q. Could be or is?

5 A. This says, "unidentified participant."

6 Q. Yes. So I'll go ahead and tell you for the record
7 that because of your phone being a Motorola phone, we're
8 going to go through a bunch of text messages and these were
9 found on your phone, you're the custodian. And when it has a
10 question mark and it says, "unidentified participant," that's
11 traced to your phone. Okay?

12 A. Okay, I'm not --

13 Q. I understand, I understand.

14 A. I said I don't have -- I can't definitively deny
15 that because I didn't go back to when it was, as we're
16 sitting here talking, to prove that.

17 Q. Well, you admit that between January 1, 2022 and
18 when you left Weather King you were texting with Mr. Maupin,
19 correct?

20 A. Absolutely, almost every day.

21 Q. Almost every day. So why in response to request for
22 production number 7 did you say that none exists, no
23 correspondence exists between you and any then-current
24 Weather King employees?

25 A. It was my understanding that that question was

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1 referring to ABCO.

2 Q. Where does it say ABCO?

3 A. I don't know that it does, but that was my
4 understanding of the question.

5 Q. So that's why you didn't produce any text messages
6 with Mr. Maupin, is that your understanding?

7 A. Yes.

8 Q. And when we raised that issue with the Court and
9 with your attorney about why we didn't get any text messages
10 in response to this, did you go back and reconsider your
11 response?

12 A. What is the question?

13 Q. Do you understand that we on multiple occasions had
14 to take up this issue with your attorney and with the Court
15 because we didn't get text messages from you or anybody else
16 and in response to that, after we -- do you understand that
17 we had to go through that procedure on multiple occasions,
18 Mr. Hershberger?

19 MR. PASTERNAK: Objection, assumes facts not in
20 evidence.

21 MR. JOHNSON: I don't know how they're not in
22 evidence. But do you understand?

23 MR. PASTERNAK: You didn't go on multiple occasions.

24 A. I see a second attempt to make interrogatories.

25 Q. Pardon me?

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1 A. There's a request for production and then there's a
2 second set of interrogatories.

3 Q. I'm talking about the first set of interrogatories.

4 A. So how was that multiple attempts?

5 Q. Do you understand that we filed -- there are filings
6 in the court addressing the issue that we had not received
7 text messages from you and the other Defendants. Do you
8 understand that?

9 A. I'm not aware of those filings.

10 Q. No one told you about that?

11 A. I don't -- I'm not aware of those filings.

12 Q. Have you reviewed filings that were filed on your
13 behalf, by your attorney on your behalf making
14 representations on your behalf to the Court about why you did
15 not produce text messages in response to Weather King's
16 request?

17 A. I have not reviewed anything, except what I've
18 signed here.

19 Q. Just so we're clear, before your attorney filed a
20 document in court on your behalf making representations to
21 the Court on your behalf, you never reviewed a draft of that
22 document?

23 A. I have only reviewed these documents that I've
24 signed.

25 Q. What was your understanding of what the Court

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1 expected you to do to look for and produce documents in
2 response to Weather King's discovery requests?

3 A. I assumed that I would go into my email and type
4 something in the search bar.

5 Q. Did you do that?

6 A. I did.

7 Q. Did you look for text messages?

8 A. I did.

9 Q. Did you have text messages with Mr. Maupin or any of
10 the other Defendants?

11 A. I did.

12 Q. Why didn't you produce those text messages?

13 A. Because they were incidental to the course of
14 Weather King's business. I explained that I understood the
15 question to be pertaining to ABCO.

16 Q. What is it about that request that led you to
17 believe that?

18 A. I don't know what led me to believe that, that's
19 what I believed.

20 Q. Did you have conversations with Mr. Maupin or anyone
21 else who encouraged you not to produce text messages in
22 response to Weather King's --

23 A. No.

24 Q. -- discovery request?

25 A. No.

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1 Q. Did you delete any text messages?

2 A. No.

3 Q. Looking back at Exhibit, we were just looking at,
4 that you're holding there, 29. Are these text messages here
5 relating to ABCO?

6 A. The beginning, absolutely not. Referring to horse
7 barn gate, that's Weather King's business.

8 Q. Let's start in the middle, starting at about 1:17
9 p.m. where Mr. Maupin sent you his personal email address.

10 A. Yes, that was likely pertaining to ABCO.

11 Q. And you just testified that you didn't produce text
12 messages because you thought we only needed text messages
13 that pertained to ABCO, that we were only requesting those.
14 These text messages pertain to ABCO. Why wasn't this text
15 correspondence produced?

16 MR. PASTERNAK: I'm going to file a general
17 objection, it's unclear these were ever sent by him. You can
18 stipulate to whatever you want, but it doesn't have his name
19 on these.

20 Q. You can answer the question.

21 A. What was the question?

22 Q. You testified earlier that the reason why you didn't
23 produce any text messages to us in response to our discovery
24 was because you thought that the request only sought text
25 messages pertaining to ABCO, correct?

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1 A. That's what I said a minute ago.

2 Q. You did. These text messages pertaining to ABCO,
3 why weren't these text messages produced?

4 MR. PASTERNAK: Same objection.

5 A. I can't answer that.

6 Q. Why can't you answer that?

7 A. Because I don't know. I may have overlooked them.
8 I may have not had my search criteria correct, but be that as
9 it may, that was a long time ago. I can't remember exactly
10 why.

11 Q. And these text messages we're talking about here,
12 you and Mr. Maupin are talking about looking for property for
13 ABCO to lease, correct?

14 A. It appears so.

15 Q. When I say, "ABCO to lease," would that be ABCO
16 leasing it or would that be Sonoran Sheds leasing it?

17 A. I don't know what property we're referring to.

18 Q. Well, you were talking about property in January of
19 2022, hooking up with a realtor to look for property,
20 correct?

21 A. Okay, well, I don't remember in 2022 what property
22 that was.

23 Q. Did you have conversations with any of the other
24 Defendants about what you needed to do to search for
25 information in response to Weather King's discovery requests?

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1 A. I don't believe I did.

2 Q. When you worked for Weather King in Peoria as shop
3 manager would you ever interact with dealers?

4 A. Very seldom.

5 Q. Did you ever speak with any dealers about ABCO while
6 you were still employed by Weather King?

7 A. No.

8 Q. Handing you what we marked as Exhibit 7. Do you
9 recognize this as a letter I sent to you on June 13, 2022,
10 Mr. Hershberger?

11 A. Yes, I do recognize it.

12 Q. And did you preserve documents in response to this
13 letter?

14 A. To the best of my knowledge, I did.

15 Q. Did you understand that you needed to preserve
16 documents in response to this letter?

17 A. Yes.

18 Q. And it's your testimony that you did not delete any
19 text messages with any of the other Defendants?

20 A. Correct.

21 Q. Handing you what we've marked as Exhibit 8. This is
22 stamped ABCO 52097. Take a moment to refresh your
23 recollection with that.

24 A. I don't know what I'm looking at here.

25 Q. Does this look like email correspondence dated

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1 January 18, 2022 between you and Mr. Maupin at his personal
2 email address?

3 A. It does look that way.

4 Q. And this would have been looking for property for
5 ABCO or for Sonoran Sheds?

6 A. Possibly.

7 Q. Who is Sam Jones?

8 A. Sam Jones was a realtor I talked to.

9 Q. What did you talk to him about?

10 A. About renting property.

11 Q. For what purpose?

12 A. To put a manufacturing shop there.

13 Q. A manufacturing shop for who?

14 A. Sonoran Sheds.

15 Q. Was it relating to purchasing property or leasing
16 property?

17 A. Leasing.

18 Q. I'm handing you a document we've marked as Exhibit
19 9. This is stamped ABCO 52115. Do you recognize this as
20 email correspondence between you and Mr. Jones in February of
21 2022?

22 A. It looks that way.

23 Q. And is this correspondence about the potential of
24 leasing certain property?

25 A. I don't recall what this is about.

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1 Q. It was for Sonoran Sheds though, correct?

2 A. I don't recall what this is about. The subject line
3 says, "ten acres," and I don't recall any ten acres.

4 Q. Well, it's also involving Mr. Maupin, correct? The
5 email correspondence there at the top.

6 A. Yeah, the header includes myself and Jesse.

7 Q. And you were communicating with Mr. Jones about
8 leasing -- looking at property as a possibility as a lease
9 for Sonoran Sheds, correct?

10 A. Yes.

11 Q. Let's look back at Exhibit 2. If you flip to page
12 11. Looking at request for production number 15, this
13 request asks for all correspondence and other documents
14 exchanged with any person or entity related to the leasing or
15 potential leasing of any property located in Arizona or New
16 Mexico. Do you see that?

17 A. I see that.

18 Q. And what's your response?

19 A. The response here is none.

20 Q. Is that a truthful and accurate response?

21 A. It does not appear to be so.

22 Q. I'm going to hand you a document which we've marked
23 as Exhibit 10. This is stamped ABCO 52119. Do you recognize
24 this as more correspondence relating to the potential leasing
25 of property?

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1 A. I do not recall this.

2 Q. Well, I'll just state for the record it was found on
3 one of your devices by the forensic examination.

4 A. Okay, but I still don't recognize this address.
5 This isn't...

6 Q. Sam Jones is the agent with Colliers you were
7 working with, correct?

8 A. Yes.

9 Q. Handing you what we've marked as Exhibit 11. This
10 is stamped ABCO 52128. Do you recognize this as email
11 correspondence involving you, Sam Jones and Mr. Maupin in
12 February of 2022?

13 A. Yes.

14 Q. This is additional correspondence that you did not
15 produce in discovery, correct?

16 A. Yes.

17 Q. Handing you a document that we have marked as
18 Exhibit 12. This is stamped ABCO 52163. Do you recognize
19 this as additional email correspondence involving you, Sam
20 Jones and Mr. Maupin in February 2022 relating to potential
21 lease of property in Arizona?

22 A. Yes, it appears to be that.

23 Q. Another exhibit, it's out of order. Handing you
24 what I've marked as Exhibit 30. This is stamped ABCO 64671.
25 Do you recognize this as correspondence between you and Mr.

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1 Maupin via text message dated February, 15, 2022?

2 A. I don't recall this conversation.

3 Q. Do you have any reason to dispute that these are
4 text messages reflecting correspondence with Mr. Maupin?

5 A. I do not.

6 Q. At the very top you're talking about -- you're
7 asking Mr. Maupin about a phone meeting with Sam Jones,
8 correct?

9 A. Correct.

10 Q. Is that text message during normal business hours?

11 A. It's at 9:04 a.m.

12 Q. Is that yes?

13 A. What are normal business hours?

14 Q. Well, were there ever times that the Peoria shop
15 would not have been opened yet at 9:04 a.m.?

16 A. No.

17 Q. Mr. Maupin at 1:22 says, "remember you don't know
18 Denver and Jill are coming." Do you see that?

19 A. I see that.

20 Q. What was that about, Mr. Hershberger?

21 A. I don't recall what that was about.

22 Q. Well, he wanted you to -- when Denver and -- this is
23 referring to Denver and Jill traveling from Paris to Peoria,
24 correct?

25 A. I don't recall what that was about.

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1 Q. But he wanted you to act like you didn't know that
2 he had told you they were coming, correct?

3 A. It doesn't say that.

4 Q. Well, that's what it appears to be, doesn't it?

5 A. I don't know what that was about.

6 Q. I'm handing you what we've marked as Exhibit 13.
7 This is stamped ABCO 51647. Do you recognize this as text
8 message correspondence between you and Jesse Maupin dated
9 February 24, 2022?

10 A. It would appear that way.

11 Q. And in these text messages you're talking about ABCO
12 business, correct?

13 A. Along with Weather King business.

14 Q. Yes, sir. I didn't say exclusively ABCO business,
15 but part of it is discussing ABCO business, correct?

16 A. In part, yes.

17 Q. This is another out of order exhibit, Exhibit 31.
18 My apologies. Handing you what we marked as Exhibit 31,
19 which is stamped ABCO 64675. Do you recognize these text
20 messages between you and Mr. Maupin dated February 25, 2022?

21 A. It appears so.

22 Q. And in these text messages you're talking about ABCO
23 business, correct?

24 A. It looks that way.

25 Q. Handing you what we've marked Exhibit 14. This is

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1 stamped ABCO 22129. Do you recognize this as email
2 correspondence in February of 2022, further correspondence
3 involving you, Sam Jones and Mr. Maupin relating to looking
4 for land to lease?

5 A. It looks like that.

6 Q. I'm handing you what we've marked as Exhibit 15.
7 This is stamped ABCO 16306. Do you recognize this as text
8 messages between you and Mr. Maupin dated March 2, 2022?

9 A. It would appear that way.

10 Q. And at least part of these text messages is talking
11 about ABCO business, correct?

12 A. It would seem that after handling Weather King's
13 business, maybe a side note was the ABCO business.

14 Q. Yes. So the answer is yes, correct?

15 A. It would appear that way.

16 Q. If March 2 was a work day, were these texts sent
17 during normal business hours for the Peoria plant?

18 A. Maybe a few of them.

19 Q. Mr. Maupin's text at 3:11 p.m. says, "I've got Robin
20 looking into it." Do you see that?

21 A. I see that.

22 Q. He's referring to Robin Keeling, correct?

23 A. That would be an assumption.

24 Q. Robin Keeling was a Weather King dealer at that
25 time, correct?

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1 A. I believe so.

2 Q. I've handed you what we have marked as Exhibit 16.
3 This is stamp ABCO 49640. Do you recognize this as text
4 messages between you and Mr. Maupin? And I stapled these two
5 together, it looks like there's two sets, we'll just keep
6 them stapled together, I guess. Dated March 29th and March
7 30th, 2022.

8 A. Was there a question?

9 Q. Yes, sir. Do you recognize this as text
10 correspondence between you and Mr. Maupin on March 29th and
11 March 30th, 2022?

12 A. It appears that way.

13 Q. Looking at that text message Mr. Maupin sent you on
14 March 29th at 11:12 a.m., he says, "but right now we just
15 have to do what's best for our main goal and that's give them
16 what they want and make everything seem okay until we walk
17 away from this." Do you see that?

18 A. I read that, yes.

19 Q. The goal was to catch Weather King by surprise and
20 to delay -- make everything seem okay and delay the departure
21 until ABCO had everything set up, correct?

22 A. That's not what it says.

23 Q. Well, it says what the main goal is, right? It
24 says, "the main goal is to give them what they want and make
25 everything seem okay until we walk away." Correct?

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1 A. Okay.

2 Q. So was it a main goal here to catch Weather King by
3 surprise?

4 A. No. The main goal was to give them what they want
5 until we were free to go.

6 Q. And make everything seem okay, correct?

7 A. Exactly.

8 Q. And the last thing you wanted Weather King to do is
9 to know what you guys were planning as of March 2022,
10 correct?

11 A. I personally didn't care whether Weather King knew
12 what I was doing.

13 Q. Mr. Maupin sure seemed to care, didn't he?

14 A. I can't speak for Jesse. This says right here, "the
15 main goal is to keep doing what they want."

16 Q. And --

17 A. "And make everything seem okay."

18 Q. Thank you. Handing you what we have marked as
19 Exhibit 17. This is stamped ABCO 58912. Do you recognize
20 this as email correspondence between you and Mr. Maupin dated
21 March 30, 2022?

22 A. It appears to be so.

23 Q. Do you recognize this document? Do you recall what
24 it's about?

25 A. I don't recall this document.

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1 Q. Do you want to take a moment to refresh your
2 recollection?

3 A. Yes, please. What is the second page?

4 Q. It's just more email correspondence between you and
5 Mr. Maupin. Do you recall what the purpose of this email
6 that you put together was?

7 A. I don't recall.

8 Q. Do you recall whether you drafted this in connection
9 with either getting a lease or getting funding for a lease?

10 A. That sounds plausible, but I don't recall what this
11 was.

12 Q. Is the information in here accurate?

13 A. Yes, to the best of my knowledge.

14 Q. For instance, it says, "Jesse was responsible for
15 opening up the entire western states market for Weather King
16 portable buildings," correct?

17 A. Yes.

18 Q. It says that the -- the third paragraph says that
19 they have witnessed their industry grow by leaps and bounds.
20 Was that accurate?

21 A. I believe that's accurate.

22 Q. And the second paragraph says, "there will be a
23 network of dealers," correct?

24 A. Correct.

25 Q. So that was a network of dealers that was being

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1 lined up at that point in time, correct?

2 A. That's an assumption being made. I don't know
3 specifically who the network was.

4 Q. But it was your understanding that that network was
5 being put in place as of the time you drafted this email,
6 correct?

7 A. Yes.

8 Q. Was it your understanding that the network that it's
9 referencing was a network that included Weather King dealers?

10 A. I would have no way of knowing that.

11 Q. Handing you what we've marked as Exhibit 18. This
12 is stamped ABCO 1822. It looks like you took that same email
13 and sent that to Sam Jones, correct?

14 A. It looks like that, yes.

15 Q. Does that refresh your recollection of the
16 pertinence of why you drafted that?

17 A. I don't recall why this was drafted.

18 Q. Maybe Sam Jones had asked for it.

19 A. That's possible.

20 Q. I'm handing you what we've marked as Exhibit 19.
21 This is stamped ABCO 64759. Do you recognize this as text
22 message correspondence between you and Mr. Maupin dated April
23 18, 2022?

24 A. It looks like that.

25 Q. Is that referring to potential land to lease for

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1 ABCO for Sonoran Sheds?

2 A. I have no idea what this is referring to.

3 Q. Well, if you look at the first two text messages on
4 332, it's talking about a smaller parcel, correct?

5 A. That's what it says, yes.

6 Q. Well, you weren't looking for land for Weather King,
7 were you?

8 A. No, I was not.

9 Q. If April 18, 2022 was a week day, would these text
10 messages have been sent during the Peoria plant's typical
11 working hours?

12 A. No.

13 Q. What time did that plant close?

14 A. 3 p.m.

15 Q. 3 p.m.?

16 A. Uh-huh.

17 Q. Is that a yes?

18 A. Yes.

19 Q. I've handed you what we marked as Exhibit 20. This
20 is stamped ABCO 64795. Do you recognize this as text message
21 correspondence between you and Mr. Maupin dated May 17, 2022?

22 A. It looks like that.

23 Q. Is this talking about ABCO business?

24 A. It's talking about ABCO business and Weather King
25 business.

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

CONSOLIDATED INDUSTRIES, LLC)
d/b/a WEATHER KING PORTABLE)
BUILDINGS,)

Plaintiff,)

Civil Action No. 1:22-cv-01230

v.)

JESSE A. MAUPIN, BARRY D.)
HARRELL, ADRIAN S. HARROD,)
LOGAN C. FEAGIN, STEPHANIE L.)
GILLESPIE, RYAN E. BROWN, DANIEL)
J. HERSHBERGER, BRIAN L. LASSEN,)
ALEYNA LASSEN, and AMERICAN)
BARN CO., LLC,)

Defendants.)

**DANIEL J. HERSHBERGER'S RESPONSES TO PLAINTIFF'S
FIRST SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION OF
DOCUMENTS, AND REQUESTS FOR ADMISSION**

Pursuant to Fed. R. Civ. P. 26, 33, 34, and 36, Daniel J. Hershberger, by and through his attorneys, states the following responses.

INTERROGATORIES

1. Identify each business enterprise that has been engaged in the Portable Buildings Industry with which you played any role in planning its creation or formation and, with respect to each such enterprise, identify: (a) your specific role(s) relating to the creation/formation; (b) the dates in which you were involved in the planning; and (c) all other individuals and entities who were involved in planning the creation/formation.

RESPONSE:

68557658;1



Hershberger objects to this interrogatory as unduly broad, overly burdensome, and not proportional to the needs of the case, nor relevant to any issue in the case. To collect all of this information would impose an unnecessary burden on Hershberger. Subject to and without waiving those objections, Hershberger states as follows: I have been the owner and operator of Diamond Buildings LLC since 2006.

2. Other than Weather King, identify each business enterprise in the Portable Buildings Industry in which you have held an ownership interest and/or performed services (whether as an employee, an independent contractor, or in any other capacity) since January 1, 2021, and, with respect to each such enterprise, identify: (a) your specific relationship with the entity, including but not limited to all titles and positions you have held; (b) the nature and extent of any ownership interest in the enterprise; (c) the dates of your relationship; and (d) your role and duties for the entity.

RESPONSE:

See Response to Interrogatory No. 1.

3. Identify each communication you have had with any person or entity (other than confidential communications solely with your legal counsel, your spouse, or your accountant) between January 1, 2021, and through the day of the termination of your employment with Weather King (including but not limited to communications with lenders or potential lenders, investors or potential investors, business partners or potential business partners, Weather King employees, Weather King contractors, Weather King dealers, Weather King builders, Weather King drivers, other Weather King business partners, rental companies, and Weather King customers) relating to the creation/formation or potential creation/formation of, funding or potential funding of, and/or operation or potential operation of any business enterprise in the Portable Buildings Industry (other

than Weather King) and, with respect to each such communication, identify: (a) the substance of the communication; (b) all parties to the communication; (c) the date of the communication; and (d) the mode of the communication (*i.e.*, telephonic conversation, email, text message, etc.).

RESPONSE:

None.

4. Identify each communication you had between January 1, 2021, and through the day of the termination of your employment with Weather King with any person then-employed by Weather King relating to that person's potential departure from Weather King and/or your potential departure from Weather King and, with respect to each such communication: (a) describe in detail the substance of the communication; (b) identify all parties to the communication; (c) identify the date of the communication; and (d) identify the mode of the communication (*i.e.*, telephonic conversation, email, text message, etc.).

RESPONSE:

Hershberger objects to this interrogatory as unduly broad, overly burdensome, and not proportional to the needs of the case, nor relevant to any issue in the case. To collect all of this information would impose an unnecessary burden on Hershberger. Subject to and without waiving those objections, Hershberger states as follows: I met and spoke with builders and drivers from the Peoria plant on two separate occasions to notify them of my departure. In those communications I discussed my future opportunities.

5. Identify each communication you had between January 1, 2021, and the day of the termination of your employment from Weather King with any person or entity who, at the time of the communication, was a Weather King dealer, driver, customer, lender, landlord, rental company, or other business partner relating to your potential departure from Weather King and,

with respect to each such communication: (a) describe in detail the substance of the communication; (b) identify all parties to the communication; (c) identify the date of the communication; and (d) identify the mode of the communication (*i.e.*, telephonic conversation, email, text message, etc.).

RESPONSE:

Hershberger objects to this interrogatory as unduly broad, overly burdensome, and not proportional to the needs of the case, nor relevant to any issue in the case. To collect all of this information would impose an unnecessary burden on Hershberger. Subject to and without waiving these objections, Hershberger states as follows: I met and spoke with builders and drivers from the Peoria plant on two separate occasions to notify them of my departure. In those communications I discussed my future opportunities.

6. Identify each person and/or entity with whom you have discussed funding, potential funding, or providing other financial support to or for any business enterprise in the Portable Business Industry since January 1, 2021, whether as an investor, a lender, or in any other capacity.

RESPONSE:

None.

7. Identify all property of Weather King (including but not limited to electronically stored information) that has been in your possession at any time after the date of the termination of your employment with Weather King and, with respect to the property, (a) identify where or how it has been stored; and (b) set forth in detail the circumstances in which you have made use of, copied, or shared the property with anyone else (including but not limited to the identity of the person or entity and the date(s) in which the property was shared).

RESPONSE:

None.

8. Identify all Weather King property, whether tangible or intelligible (including but not limited to financial information and inventory count information) of which you were not an authorized recipient but that you accessed or obtained without a Weather King officer's permission and, with respect to each such item, identify: (a) the specific property you accessed or obtained; (b) the circumstances in which you accessed or obtained it, including but not limited to the date(s) of access or obtainment; (c) the circumstances in which you shared the property with anyone else, including but not limited to the identity of all such person and the date(s); and (d) the circumstances in which you otherwise made use of the property.

RESPONSE:

None.

9. Identify all Weather King property, whether tangible or intelligible (including but not limited to financial information and inventory count information) to which you had authorized access but that you shared with a third-party or otherwise made use of the property for any purpose other than the furtherance of Weather King's business and, with respect to each such item, identify: (a) the specific property; (b) the circumstances in which you shared the property with anyone else, including but not limited to the identity of all such person and the date(s); and (c) the circumstances in which you made use of the property for any purpose other than the furtherance of Weather King's business.

RESPONSE:

None.

10. Identify all email accounts, cell phone numbers (and providers), messaging services, Google drive accounts, Dropbox accounts, and any other cloud-based account that you have used at any time since January 1, 2022, through the present.

RESPONSE:

Hershberger objects to this interrogatory as not being proportional to the needs of the case.

11. Identify each device in your possession, custody, or control, including but not limited to laptop computers, desktop computers, cell phones (including number and provider), tablets, or other portable electronic or storage devices, that contains or contained any information that refers to, relates to, or was created by Weather King.

RESPONSE:

None.

12. For each lawsuit, bankruptcy proceeding, criminal proceeding, or administrative proceeding, including divorce proceedings, to which you have been a party, state: (a) the court or agency in which said proceeding was instituted, the names of the parties to the proceeding, the docket number of said proceeding, the date the proceeding was filed and the date the proceeding was finally terminated; (b) the nature of the proceeding, including a description of the claims and defenses, if applicable, and (c) the manner in which the proceeding was resolved (for example, by settlement, by court order).

RESPONSE:

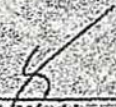
None.

3/21/23, 8:36 AM

Mail - BARRY HARRELL - Outlook

VERIFICATION

I, Daniel J. Hershberger, declare under penalty of perjury that the foregoing responses to Plaintiff's First Set of Interrogatories are true and correct to the best of my knowledge, information, and belief.



Daniel J. HershbergerDATE: 3/20/23

-7-

685576SR:1

VERIFICATION

I, Daniel J. Hershberger, declare under penalty of perjury that the foregoing responses to Plaintiff's First Set of Interrogatories are true and correct to the best of my knowledge, information, and belief.

Daniel J. Hershberger

DATE: _____

REQUESTS FOR PRODUCTION

Please produce the following:

1. All correspondence and other documents relating to the creation or formation of any business enterprise in the Portable Buildings Industry.

RESPONSE:

Responsive documents will be produced.

2. All documents which set forth the relationship you have had with any business enterprise in the Portable Buildings Industry since January 1, 2021, other than Weather King.

RESPONSE:

None.

3. All correspondence and other documents exchanged with any lenders or potential lenders (including but not limited to FirstBank and Centennial Bank and any individuals) since January 1, 2021, relating to funding or potential funding or other financial support of any business enterprise in the Portable Buildings Industry.

RESPONSE:

None.

4. All correspondence and other documents exchanged with any investors or potential investors since January 1, 2021, relating to any business enterprise in the Portable Buildings Industry.

RESPONSE:

None.

5. All correspondence and other documents exchanged with Virgil W. Etherton between January 1, 2021, and July 1, 2022.

RESPONSE:

None.

6. All correspondence and other documents exchanged with any former Weather King employees between January 1, 2022, and July 1, 2022.

RESPONSE:

Hershberger objects to this request as being not proportional to the needs of the case.

7. All correspondence and other documents exchanged with any then-current Weather King employees after January 1, 2022.

RESPONSE:

Hershberger objects to this request as being not proportional to the needs of the case.

8. All correspondence and other documents exchanged with any then-current Weather King dealers (including but not limited to employees and agents of those dealers) between January 1, 2022, and July 1, 2022.

RESPONSE:

None.

9. All correspondence and other documents exchanged with any then-current Weather King builders (including but not limited to employees and agents of those builders) between January 1, 2022, and July 1, 2022.

RESPONSE:

None.

10. All correspondence and other documents exchanged with any then-current Weather King customers (including but not limited to employees and agents of those customers) between January 1, 2022, and July 1, 2022.

RESPONSE:

None.

11. All correspondence and other documents exchanged with any then-current Weather King drivers (including but not limited to employees and agents of those drivers) between January 1, 2022, and July 1, 2022.

RESPONSE:

None.

12. All correspondence and other documents exchanged with any Portable Buildings Industry rental companies and/or rental companies being formed (including but not limited to employees and agents of those entities) between January 1, 2022, and July 1, 2022.

RESPONSE:

None.

13. All correspondence and other documents exchanged with BPS, LLC, BPS Rentals, LLC, Keith Priestley, Jerry Sawyer or Troy Buttrey between July 1, 2021, and July 1, 2022.

RESPONSE:

None.

14. All non-privileged correspondence and other documents related to:

- (a) any of the Defendants' departure from Weather King;
- (b) any of the Defendants' communications with any Weather King employees about the possibility of leaving Weather King or joining ABCO;
- (c) any of the Defendants' communications with any Weather King builders, dealers, drivers, rental companies, or contractors, about the possibility of doing business with ABCO or ceasing doing business with Weather King;

(d) any claims or potential claims made by Weather King against any of the Defendants;

(e) any of the Defendants' possession of or use of any Weather King property; or

(f) derogatory remarks made by any of the Defendants relating to Weather King;

RESPONSE:

Hershberger objects to this request as being overly broad and unduly burdensome and not proportional to the needs of the case. To collect all these documents would impose an unnecessary burden on Hershberger.

15. All correspondence and other documents exchanged with any person or entity related to the leasing or potential leasing of any property located in Arizona or New Mexico.

RESPONSE:

None.

16. All emails and attachments sent from your Weather King company email address to any personal email address since January 1, 2021.

RESPONSE:

None.

17. All correspondence and other documents referencing or relating to any Weather King drawings, blueprints, or other engineering plans, including but not limited to plans prepared by Kevin Nolan, P.E.

RESPONSE:

None.

18. All documents relating to any sales of units using any Weather King drawings, blueprints, or other plans, including but not limited to plans prepared by Kevin Nolan, P.E.

RESPONSE:

None.

19. All documents reflecting contacts, notes, calendars, diaries, pictures, audio or video recordings, business records, computer disks, files, printouts, or any other written or recorded material that you received, obtained, copied, downloaded, transferred, or removed from Weather King and/or that were obtained, copied, downloaded, transferred, or removed from Weather King or contain Weather King information.

RESPONSE:

None.

20. All correspondence and other documents relating to your use of any Weather King property for any purpose other than the furtherance of Weather King's business.

RESPONSE:

None.

21. All correspondence and other documents relating to any and all instances in which you advised any other person or entity not to make use of any Weather King engineering plans or other property.

RESPONSE:

None.

22. All communications and other documents related to your use of any Weather King templates or form documents for any purpose other than the furtherance of Weather King's business.

RESPONSE:

None.

23. All correspondence and other documents referencing or relating to Weather King's business operations.

RESPONSE:

None.

24. All documents evidencing distributions, salary, wages, bonuses, commissions, or other compensation paid or accrued to you by any entity in the Portable Buildings Industry, other than Weather King, from January 1, 2021, through the date of response.

RESPONSE:

Hershberger objects to this request as not being proportional to the needs of the case.

25. All agreements between you and any of the other Defendants.

RESPONSE:

None.

26. All agreements between you and any dealers, builders, lenders, investors, or rental companies in the Portable Buildings Industry.

RESPONSE:

None.

27. All photographs, video, and/or audio recordings of Weather King property and/or current or former Weather King employees or officers.

RESPONSE:

None.

28. All documents reflecting notes, diaries, journals, expense records, day planners, calendars, and/or other record(s) maintained by you that record, refer, or otherwise relate to your

activities, including, but not limited to any appointment, meeting, interview, placement, or other business activities in the Portable Buildings Industry from January 1, 2022, through July 1, 2022.

RESPONSE:

None.

29. All correspondence and/or other documents which relate to or refer in any way to your decision to become affiliated with a business enterprise in the Portable Buildings Industry other than Weather King or to depart from Weather King.

RESPONSE:

None.

30. All phone records from January 1, 2022, through July 1, 2022, related to any device that you have used during that time period.

RESPONSE:

Hershberger objects to this request as not being proportional to the needs of the case.

31. All correspondence and other documents exchanged between you and anyone else related to Weather King's toll-free telephone number or Caller ID.

RESPONSE:

None.

32. All documents supporting your "[m]istake of fact" affirmative defense.

RESPONSE:

None.

33. All documents supporting or relating to any other defenses you intend to assert against Plaintiff's claims.

RESPONSE:

None.

34. All documents referenced in your responses to Plaintiff's interrogatories and/or upon which you relied in responding to Plaintiff's interrogatories.

RESPONSE:

None.

35. All non-privileged communications between you and any of the other Defendants pertaining to this lawsuit.

RESPONSE:

None.

REQUESTS FOR ADMISSION

Pursuant to Fed. R. Civ. P. 36, Plaintiff requests that Defendant Daniel J. Hershberger admit to the truth of the following:

1. While still employed by Weather King, you encouraged one or more other Weather King employees to join you (in the future) at ABCO.

RESPONSE:

Denied.

2. While still employed by Weather King, you suggested to one or more other Weather King employees that ABCO would be taking over Weather King's operations in the western United States.

RESPONSE:

Denied.

3. While still employed by Weather King, you encouraged one or more Weather King dealers to plan to do business with ABCO.

RESPONSE:

Denied.

4. While still employed by Weather King, you encouraged one or more Weather King dealers to cease doing business (in the future) with Weather King.

RESPONSE:

Denied.

5. While still employed by Weather King, you said negative or derogatory things about Weather King to one or more Weather King dealers.

RESPONSE:

Denied.

6. While still employed by Weather King, you suggested to one or more Weather King dealers that ABCO would be taking over Weather King's operations in the western United States.

RESPONSE:

Denied.

7. While still employed by Weather King, you encouraged one or more Weather King drivers to plan to do business with ABCO.

RESPONSE:

Denied.

8. While still employed by Weather King, you encouraged one or more Weather King drivers to cease doing business (in the future) with Weather King.

RESPONSE:

Denied.

9. While still employed by Weather King, you said negative or derogatory things about Weather King to one or more Weather King drivers.

RESPONSE:

Denied.

10. While still employed by Weather King, you suggested to one or more Weather King drivers that ABCO would be taking over Weather King's operations in the western United States.

RESPONSE:

Denied.

11. While still employed by Weather King, you encouraged one or more Weather King builders to plan to do business with ABCO.

RESPONSE:

Denied.

12. While still employed by Weather King, you encouraged one or more Weather King builders to cease doing business (in the future) with Weather King.

RESPONSE:

Denied.

13. While still employed by Weather King, you said negative or derogatory things about Weather King to one or more Weather King builders.

RESPONSE:

Denied.

14. While still employed by Weather King, you suggested to one or more Weather King builders that ABCO would be taking over Weather King's operations in the western United States.

RESPONSE:

Denied.

15. After your termination from Weather King, you have suggested to one or more third-parties that ABCO was taking over Weather King's operations in the western United States.

RESPONSE:

Denied.

16. You encouraged Weather King dealers to coordinate such that their customers canceled their orders with Weather King and placed new orders with ABCO.

RESPONSE:

Denied.

17. You suggested to Weather King dealers that Weather King was or would be in financial distress.

RESPONSE:

Denied.

18. You suggested to Weather King dealers that Weather King was having or would have difficulty paying its bills.

RESPONSE:

Denied.

19. While still employed by Weather King, Jesse Maupin encouraged you to (in the future) leave Weather King and join ABCO.

RESPONSE:

Denied.

20. While still employed by Weather King, one or more of the other Defendants encouraged Weather King employees to (in the future) leave Weather King and join ABCO.

RESPONSE:

Hershberger lacks sufficient information to admit or deny this request and therefore denies it.

21. While still employed by Weather King, one or more of the other Defendants encouraged Weather King dealers, builders, drivers, or others with whom Weather King had a business relationship to plan to do business with ABCO.

RESPONSE:

Hershberger lacks sufficient information to admit or deny this request and therefore denies it.

22. One or more of the other Defendants has made use of Weather King property in furtherance of an interest other than Weather King's business interest.

RESPONSE:

Hershberger lacks sufficient information to admit or deny this request and therefore denies it.

Date: March 20 , 2023

/s/ Thomas G. Pasternak
Thomas G. Pasternak
AKERMAN LLP
71 South Wacker Drive, 47th Floor
Chicago, IL 60606
Tel. 312.634.5700
thomas.pasternak@akerman.com

*Attorneys for Defendant,
Daniel J. Hershberger*

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing **Daniel J. Hershberger's Responses to Plaintiff's First Interrogatories and Requests for Production and Requests for Admission** was served upon the following counsel via email on March 20, 2023:

David L. Johnson, #18732
John H. Dollarhide, #40041
Y. Larry Cheng, #36707
BUTLER SNOW LLP
150 3rd Avenue South, Suite 1600
Nashville, TN 37201
Telephone: (615) 651-6700
Fax: (615) 651-6701
david.johnson@butlersnow.com
john.dollarhide@butlersnow.com
larry.cheng@butlersnow.com

Daniel W. Van Horn, #18940
BUTLER SNOW LLP
6075 Poplar Ave., Suite 500
Memphis, TN 38119
Telephone: (901) 680-7200
Fax: (901) 680-7201
Danny.VanHorn@butlersnow.com

/s/ Thomas G. Pasternak
Thomas G. Pasternak

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

CONSOLIDATED INDUSTRIES, LLC)
d/b/a WEATHER KING PORTABLE)
BUILDINGS,)

Plaintiff,)

Civil Action No. 1:22-cv-01230

v.)

JESSE A. MAUPIN, BARRY D.)
HARRELL, ADRIAN S. HARROD,)
LOGAN C. FEAGIN, STEPHANIE L.)
GILLESPIE, RYAN E. BROWN, DANIEL)
J. HERSHBERGER, BRIAN L. LASSEN,)
ALEYNA LASSEN, and AMERICAN)
BARN CO., LLC,)

Defendants.)

**DANIEL J. HERSHBERGER'S FIRST SUPPLEMENTAL RESPONSES TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS**

Pursuant to Fed. R. Civ. P. 26, 33, 34, and 36, Daniel J. Hershberger, by and through his attorneys, states the following First Supplemental responses. His previous responses are incorporated by reference.

INTERROGATORIES

5. Identify each communication you had between January 1, 2021, and the day of the termination of your employment from Weather King with any person or entity who, at the time of the communication, was a Weather King dealer, driver, customer, lender, landlord, rental company, or other business partner relating to your potential departure from Weather King and, with respect to each such communication: (a) describe in detail the substance of the communication; (b) identify all parties to the communication; (c) identify the date of the

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communication; and (d) identify the mode of the communication (*i.e.*, telephone conversation, email, text message, etc.).

RESPONSE:

Hershberger objects to this interrogatory as unduly broad, overly burdensome, and not proportional to the needs of the case, nor relevant to any issue in the case. To collect all of this information would impose an unnecessary burden on Hershberger. Subject to and without waiving these objections, Hershberger states as follows: I met and spoke with builders and drivers from the Peoria plant on two separate occasions to notify them of my departure. In those communications I discussed my future opportunities. This information was communicated back to Weather King. In the meetings I spoke of better opportunities. When I was asked if there were opportunities for others, I told them that there may be but I could not weigh in and that each one would have to make his own decision.

10. Identify all email accounts, cell phone numbers (and providers), messaging services, Google drive accounts, Dropbox accounts, and any other cloud-based account that you have used at any time since January 1, 2022, through the present.

RESPONSE:

Cell phone: (520) 471-0205, Samsung Galaxy

Email account: daniel@americanbarnco.com

11. Identify each device in your possession, custody, or control, including but not limited to laptop computers, desktop computers, cell phones (including number and provider), tablets, or other portable electronic or storage devices, that contains or contained any information that refers to, relates to, or was created by Weather King.

RESPONSE:

Cell phone identified above, desktop computer left at plant.

REQUESTS FOR PRODUCTION

Please produce the following:

6. All correspondence and other documents exchanged with any former Weather King employees between January 1, 2022, and July 1, 2022.

RESPONSE:

In that time frame I would have had frequent correspondence with Weather King employees (including all who stayed and departed) who were conducting Weather King business. I otherwise have no responsive documents.

7. All correspondence and other documents exchanged with any then-current Weather King employees after January 1, 2022.

RESPONSE:

None exist.

14. All non-privileged correspondence and other documents related to:

- (a) any of Defendants' departure from Weather King;
- (b) any of the Defendants' communications with any Weather King employees about the possibility of leaving Weather King or joining ABCO;
- (c) any of the Defendants' communications with any Weather King builders, dealers, drivers, rental companies, or contractors, about the possibility of doing business with ABCO or ceasing doing business with Weather King;
- (d) any claims or potential claims made by Weather King against any of the Defendants;

- (e) any of the Defendants' possession of or use of any Weather King property; or
- (f) derogatory remarks made by any of the Defendants relating to Weather King.

RESPONSE:

During that time frame I would have had frequent correspondence with Weather King employees, some who stayed and some who left. Otherwise I do not have any responsive documents.

19. All documents reflecting contacts, notes, calendars, diaries, pictures, audio or video recordings, business records, computer disks, files, printouts, or any other written or recorded material that you received, obtained, copied, downloaded, transferred, or removed from Weather King and/or that were obtained, copied, downloaded, transferred, or removed from Weather King or contain Weather King information

RESPONSE:

None exist.

24. All documents evidencing distributions, salary, wages, bonuses, commissions, or other compensation paid or accrued to you by any entity in the Portable Buildings Industry, other than Weather King, from January 1, 2021, through the date of response.

RESPONSE:

A spreadsheet indicating his compensation will be produced.

28. All documents reflecting notes, diaries, journals, expense records, day planners, calendars, and/or other record(s) maintained by you that record, refer, or otherwise relate to your activities, including, but not limited to any appointment, meeting, interview, placement, or other business activities in the Portable Buildings Industry from January 1, 2022, through July 1, 2022

RESPONSE:

None exist.

30. All phone records from January 1, 2022, through July 1, 2022, related to any device that you have used during that time period.

RESPONSE:

My phone account is in my mother in law's name and she will not allow me to access them.

Dated: October 4, 2023

/s/ Thomas G. Pasternak

Thomas G. Pasternak

AKERMAN LLP

71 South Wacker Drive, 47th Floor

Chicago, IL 60606

Tel. 312.634.5700

thomas.pasternak@akerman.com

Attorneys for Defendant,

Daniel J. Hershberger

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Daniel J. Hershberger's First Supplemental Responses to Plaintiff's First Interrogatories and Requests for Production was served upon the following counsel via email on October 4, 2023:

David L. Johnson, #18732
John H. Dollarhide, #40041
Y. Larry Cheng, #36707
BUTLER SNOW LLP
150 3rd Avenue South, Suite 1600
Nashville, TN 37201
Telephone: (615) 651-6700
Fax: (615) 651-6701
david.johnson@butlersnow.com
john.dollarhide@butlersnow.com
larry.cheng@butlersnow.com

Daniel W. Van Horn, #18940
BUTLER SNOW LLP
6075 Poplar Ave., Suite 500
Memphis, TN 38119
Telephone: (901) 680-7200
Fax: (901) 680-7201
Danny.VanHorn@butlersnow.com

/s/ Thomas G. Pasternak
Thomas G. Pasternak

VERIFICATION

I, **Daniel J. Hershberger**, declare under the penalty of perjury that the foregoing answers to interrogatories in the document titled **Daniel J. Hershberger's First Supplemental Responses to Plaintiff's First Set of Interrogatories and Requests for Production of Documents** served on **October 4, 2023**, are true and correct to the best of my knowledge, information and belief.



Daniel J. HershbergerDate: 10/24/2023

Message

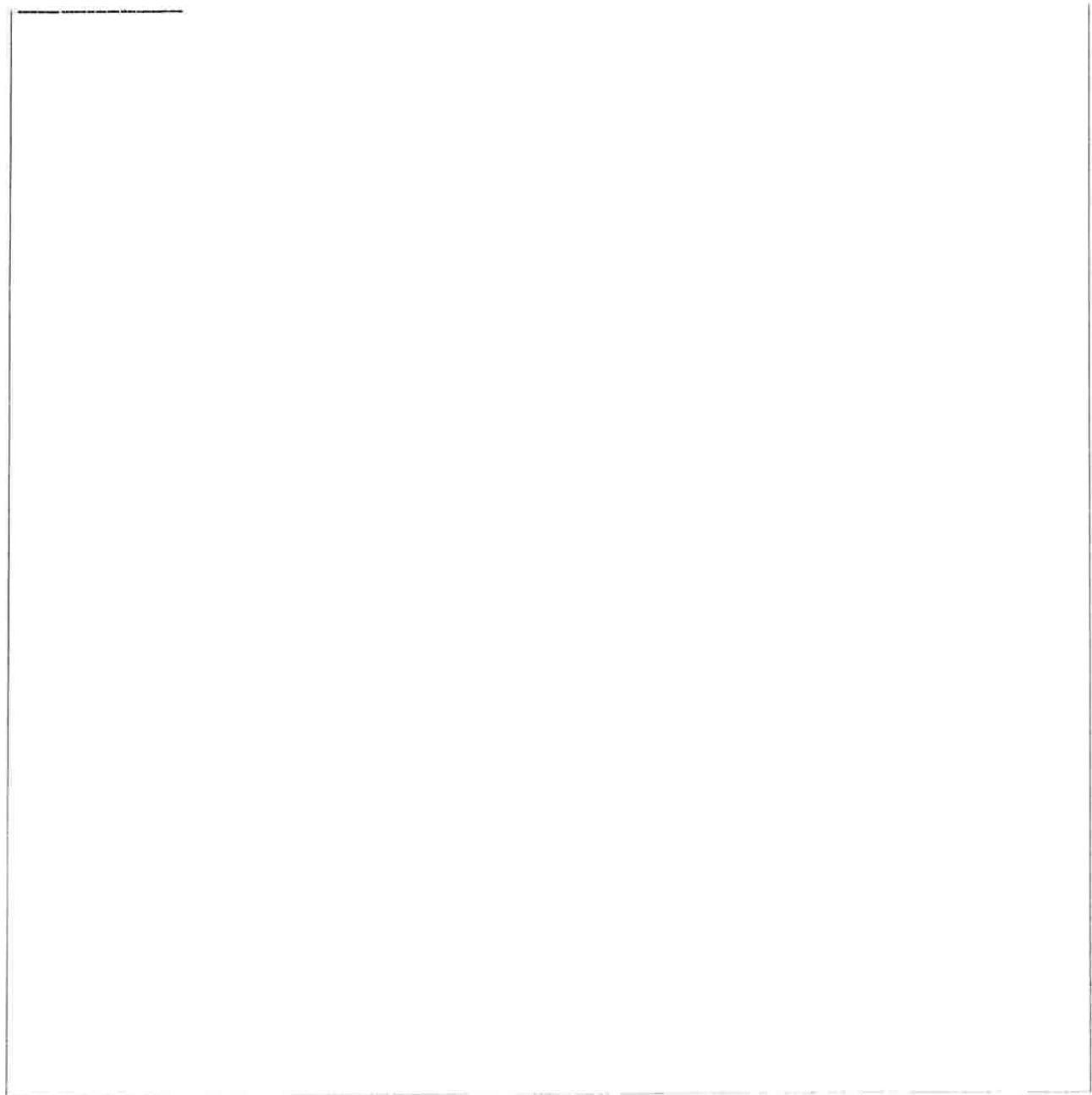
From: Daniel Hershberger [danhersh@hotmail.com]
on behalf of Daniel Hershberger <danhersh@hotmail.com> [danhersh@hotmail.com]
Sent: 1/18/2022 3:50:12 PM
To: westkentuckyqdma@gmail.com
Subject: Fwd: E-Brochure For 15836 West Eddie Albert Way

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From: PropertyShark <no-reply@commercialcafe.com>
Sent: Friday, January 14, 2022 6:58:11 PM
To: danhersh@hotmail.com <danhersh@hotmail.com>
Subject: E-Brochure For 15836 West Eddie Albert Way



Comms_000000996
ABCO_0052097



This brochure was sent to you by daniel hershberger from PropertyShark.



15836 West Eddie Albert Way

15836 West Eddie Albert Way, Goodyear, AZ 85338

Industrial Manufacturing 160,000 Sqft

For Lease

Contact for pricing

City

Goodyear

Neighborhood

Sarival

Zip Code

85338

Market

Phoenix

Property Type

Industrial - Manufacturing

Building Size

149,159 Sqft

Lot Size

28.88 Acre

Parking Spaces Avail.

170

Parking Ratio

1.14/ 1,000 SF

Property Tenancy

Vacant

Building Class

B

Year Built

1984

Date Updated

Oct 07, 2021**Spaces Available****Full Building**

Suite

Full Building

Total Space Available

Space Type

Industrial

160,000 Sqft

Divisible Space

8,000 - 160,000 Sqft

Lease Rate

Contact for pricing

Available Date

Immediate

Call For Term

Yes

Renewal Option

Yes

Sub Lease

No**Rob Martensen****Colliers****(602) 222-5082**

Location



- **City** Goodyear, AZ
- **Neighborhood** Sarival
- **Zip Code** 85338
- **Market** Phoenix

Contacts



Rob Martensen

Colliers

(602) 222-5082

Message

From: Daniel Hershberger [danhersh@hotmail.com]
on behalf of Daniel Hershberger <danhersh@hotmail.com> [danhersh@hotmail.com]
Sent: 2/4/2022 3:34:45 PM
To: Jones, Sam [Sam.Jones@colliers.com]; westkentuckyqdma@gmail.com
Subject: Fwd: 10 acre land sites available for lease.
Attachments: LOI-5220 N 51st Ave.docx

Jessc

Look over this draft and let us know when you would be available to conference call.

Included Sam Jones on this email so we can all communicate together

Thanks

Daniel

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From: Jones, Sam <Sam.Jones@colliers.com>
Sent: Thursday, February 3, 2022 2:01:48 PM
To: Daniel Hershberger <danhersh@hotmail.com>
Cc: Martensen, Rob <Rob.Martensen@colliers.com>
Subject: RE: 10 acre land sites available for lease.

Dan,

Please see the attached LOI for your review per our discussion this morning. Let me know when you and Jesse have a time to discuss.

Thanks

Sam Jones

Senior Associate | Arizona
Direct +1 602 222 5146 | Mobile +1 480 789 3999
Main +1 602 222 5000 | Fax +1 602 222 5001
sam.jones@colliers.com

Colliers International
2390 East Camelback Road | Suite 100
Phoenix, AZ 85016 | United States
www.colliers.com



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Sent: Thursday, February 3, 2022 10:37 AM
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Good morning sir



Comms_000001014
ABCO_0052115

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Thanks

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sam.jones@colliers.com**Colliers International**

2390 East Camelback Road | Suite 100

Phoenix, AZ 85016 | United States

www.colliers.com**From:** Daniel Hershberger <danhersh@hotmail.com>**Sent:** Thursday, January 20, 2022 10:54 AM**To:** Jones, Sam <Sam.Jones@colliers.com>**Subject:** Re: 10 acre land sites available for lease.

I can meet most mornings between 10-12

Just let me know what works for you

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www.colliers.com**From:** Daniel Hershberger <danhersh@hotmail.com>**Sent:** Thursday, January 20, 2022 9:36 AM**To:** Jones, Sam <Sam.Jones@colliers.com>**Subject:** Re: 10 acre land sites available for lease.

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Sam Jones, DESIGNATION
Senior Associate | Arizona

2390 E Camelback Rd, Ste
100
Phoenix, AZ 85016

Direct: 602 222 5146
Mobile: 480 789 3999
colliers.com/arizona



February 3, 2022

Patrick Sheehan
Max Schumacher
Rein & Grossoehme
8767 E. Via De Ventura
Scottsdale, AZ 85252

RE: Non-Binding Letter of Intent – 5220 N 51st Ave

Gentlemen:

This letter shall serve as a Letter of Intent ("LOI") to lease space under the following terms and conditions at 5220 N 51st Ave, Glendale, AZ 85301

TENANT: Please provide LLC or intended DBA

PREMISES: 5220 N 51st Ave, Glendale, AZ, consisting of approximately 30,000 rentable square feet on 9.8 acres as shown in RED outline in Exhibit A and to be further defined in the lease.

USE: Landlord shall permit Tenant to operate their business within the Premise, which shall include general office and distribution/manufacturing of prefabricated sheds.

TERM: Sixty-Three (63) months, three (3) months free

COMMENCEMENT DATE: The lease shall commence upon completion of tenant improvements, but in no event later than June 1, 2022. Tenant shall have thirty (30) days early access to install furniture, fixtures, and equipment ("FF&E").

BASE RENTAL RATE: \$35,000 month NNN with 2.50% annual increases
*Plus applicable City of Glendale rental tax estimated to be 3.40%

LEASE TYPE: Triple net. Defined as Tenant paying base rent and separately being charged for their share of the operating expenses, which include property taxes, maintenance, and insurance.

CONDITION OF PREMISES: All building systems are to be delivered in good working order. This shall include, but not be limited to, all HVAC, fire systems, plumbing, electrical, ventilation, light fixtures and switches. All systems shall be warranted for 1 year from the initial occupancy date.



Comms_000001018
ABCO_0052119



SECURITY DEPOSIT: Tenant shall be required to provide a security deposit equal to last month's base rent.

TENANT IMPROVEMENTS: Tenant requires approximately 2,500 square feet of office which shall include the existing restrooms, 2 private offices, 1 conference room, an open bullpen area and a break room which shall be accessible from the warehouse. Tenant shall provide the office and warehouse lighting, which shall be installed by Landlord at Landlord's expense as part of the tenant improvements. Landlord shall also install standard dock plates on all loading doors. Landlord shall install market standard evaporative coolers in the warehouse.

POWER: Please state the power available to the Tenant in the Premises.

OPTION TO RENEW: Tenant requests one (1) three (3) year option to renew at then "Fair Market Rate".

PERSONAL GURANTOR: The lease shall be personally guaranteed by Jesse Maupin

PARKING: Please indicate how many spaces are available and if any of them are covered.

SIGNAGE: Tenant shall be allowed to install building standard signage, at Tenant's expense.

BROKERAGE: It is understood that Colliers International AZ, LLC (Rob Martensen and Sam Jones) represents the Tenant in this transaction and that Rein & Grossoehme represents the Landlord. Colliers International shall be paid a leasing commission in the amount of 5% of the total lease consideration.

This proposal is valid until Friday February 11, 2022 at 5:00 PM MST.

Sincerely,
COLLIERS INTERNATIONAL AZ, LLC



A handwritten signature in cursive script that reads "Sam Jones".

Sam Jones
Senior Associate

APPROVED BY:

LANDLORD: SNL IOV 51st Ave Owner, LLC

TENANT: TBD

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

Exhibit A

Page 3



Message

From: Jesse Maupin [westkentuckyqdma@gmail.com]
on behalf of Jesse Maupin <westkentuckyqdma@gmail.com> [westkentuckyqdma@gmail.com]
Sent: 2/7/2022 11:07:10 AM
To: Jones, Sam [Sam.Jones@colliers.com]
CC: Daniel Hershberger [danhersh@hotmail.com]
Subject: Re: 10 acre land sites available for lease.

There are a few things that Daniel and I are needing to discuss before we get back with you. As soon as we get all of our ducks in a row we will give you a shout back. Thanks.

Jesse Maupin
Weather King Portable Buildings
295 Jim Adams Drive
P. O. Box 108
Paris, TN 38242
Phone 270-970-9453
Email jmaupin@consolidatedbuildings.com

On Feb 7, 2022, at 10:16 AM, Jones, Sam <Sam.Jones@colliers.com> wrote:

Daniel and Jesse,

Please let me know when you are ready to discuss the proposal.

Thanks,

Sam Jones

Senior Associate | Arizona
Direct +1 602 222 5146 | Mobile +1 480 789 3999
Main +1 602 222 5000 | Fax +1 602 222 5001
sam.jones@colliers.com

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Phoenix, AZ 85016 | United States
www.colliers.com



From: Daniel Hershberger <danhersh@hotmail.com>
Sent: Friday, February 4, 2022 2:35 PM
To: Jones, Sam <Sam.Jones@colliers.com>; westkentuckyqdma@gmail.com
Subject: Fwd: 10 acre land sites available for lease.

Jesse

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Comms_000001027
ABCO_0052128

Included Sam Jones on this email so we can all communicate together

Thanks
Daniel

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So I guess we need to discuss next steps.

I will be working with Jesse Maupin and he will be providing the personal guarantee so whenever we get some documents going he will want to review what we are doing.

Thanks
Daniel

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Subject: RE: 10 acre land sites available for lease.

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Thanks,

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Yes tomorrow at 10 will work great for me

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Just let me know what works for you

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Subject: RE: 10 acre land sites available for lease.

What day and time works for you. I believe its on Lockbox and we can tour whenever.

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Subject: Re: 10 acre land sites available for lease.

Thanks for the info

I am definitely interested in checking out the 51st Ave property

Please let me know when we can schedule that.

Daniel

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From: Jones, Sam <Sam.Jones@colliers.com>
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sam.jones@colliers.com

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Message

From: Daniel Hershberger [danhersh@hotmail.com]
on behalf of Daniel Hershberger <danhersh@hotmail.com> [danhersh@hotmail.com]
Sent: 2/10/2022 3:51:42 PM
To: Jesse Maupin [westkentuckyqdma@gmail.com]; Jones, Sam [Sam.Jones@colliers.com]
Subject: Re: 10 acre land sites available for lease.

Yes
Monday at 1pm works for me

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From: Jesse Maupin <westkentuckyqdma@gmail.com>
Sent: Thursday, February 10, 2022 2:22:08 PM
To: Jones, Sam <Sam.Jones@colliers.com>
Cc: Daniel Hershberger <danhersh@hotmail.com>
Subject: Re: 10 acre land sites available for lease.

As long as that works for Daniel

Jesse Maupin
Weather King Portable Buildings
295 Jim Adams Drive
P. O. Box 108
Paris, TN 38242
Phone 270-970-9453
Email jmaupin@consolidatedbuildings.com

On Feb 10, 2022, at 3:21 PM, Jones, Sam <Sam.Jones@colliers.com> wrote:

Ok. Do you want to schedule a call at 1pm AZ time?

Sam Jones

Senior Associate | Arizona
Direct +1 602 222 5146 | Mobile +1 480 789 3999
Main +1 602 222 5000 | Fax +1 602 222 5001
sam.jones@colliers.com

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From: Jesse Maupin <westkentuckyqdma@gmail.com>
Sent: Thursday, February 10, 2022 2:21 PM
To: Jones, Sam <Sam.Jones@colliers.com>
Cc: Daniel Hershberger <danhersh@hotmail.com>
Subject: Re: 10 acre land sites available for lease.

Monday would be good with me I will be landing in Albuquerque around 12 Arizona time.

Jesse Maupin
Weather King Portable Buildings
295 Jim Adams Drive
P. O. Box 108
Paris, TN 38242
Phone 270-970-9453
Email jmaupin@consolidatedbuildings.com

On Feb 10, 2022, at 3:12 PM, Jones, Sam <Sam.Jones@colliers.com> wrote:

Daniel,

Are you available to discuss now? If not, can we schedule a call for Monday?

Thanks,

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sam.jones@colliers.com

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Sent: Thursday, February 10, 2022 11:52 AM
To: Jones, Sam <Sam.Jones@colliers.com>; westkentuckyqdma@gmail.com
Subject: Re: 10 acre land sites available for lease.

Sam

Just as a bit of an update

Some of what Jesse and I have been discussing is whether or not we can do the price tag on the whole thing to start off.

We don't particularly need all that land that is proposed if we don't have the buildings to go with it. What we are thinking is more of a growing kind of thing. So we would be interested in starting off with 1 building (number 4) and 2.5 acres and then adding another building and another 2.5 down the road as they become available. Since the other 3 buildings are occupied right now you and I had discussed terms with the right of first refusal on them which would be

more what we are thinking. And also obviously if we were talking about a smaller per acre price we would be able to handle more acres as proposed.

Either way let me know if/when you are available for conference call.
Possibly this afternoon?

Thanks
Daniel

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From: Jones, Sam <Sam.Jones@colliers.com>
Sent: Monday, February 7, 2022 9:16:25 AM
To: Daniel Hershberger <danhersh@hotmail.com>; westkentuckyqdma@gmail.com <westkentuckyqdma@gmail.com>
Subject: RE: 10 acre land sites available for lease.

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Short Message Report

Conversations: 1
Total Messages: 8

Participants: 2
Date Range: 2/24/2022

Outline of Conversations



Maupin Jesse <2709709453> Maupin Jesse <12709709453> • 8 messages on 2/24/2022 • Maupin Jesse <12709709453> • Maupin Jesse <2709709453>



Confidential

5.21.24 Compromise Orange Batch Mobile_000009779
ABCO_0051647

Messages in chronological order (times are shown in GMT -06:00)**Maupin Jesse <2709709453> Maupin Jesse <12709709453>****Maupin Jesse <2709709453>**

2/24/2022, 8:46 AM

Good morning man!! I need help on locating these buildings today

**Undefined Participant**

2/24/2022, 8:47 AM

Ok

**Maupin Jesse <2709709453>**

2/24/2022, 8:52 AM

Did you get a price on 3 of those tables from Reiter

**Undefined Participant**

2/24/2022, 8:54 AM

No it's kinda stalled out with him cuz I told him to come look so he can exact copy but he never made time to come...I'll call him again

**Maupin Jesse <2709709453>**

2/24/2022, 8:55 AM

Ok I would rather have them instead of IFAB wouldn't you?

**Undefined Participant**

2/24/2022, 11:57 AM

I have now also found stuff that is "F" that was never updated as finished and inspected so I don't know if she did that or what

**Maupin Jesse <2709709453>**

2/24/2022, 12:20 PM

Good lord what a mess!!!

**Undefined Participant**

2/24/2022, 12:20 PM

Need to put an end to it

Short Message ReportConversations: 1Total Messages: 13Participants: 3Date Range: 3/2/2022**Outline of Conversations**

+16233633997 • 13 messages on 3/2/2022 • Daniel Herschberger <6233633997> • Jesse Allen Maupin <2709709453>



Messages in chronological order (times are shown in GMT -06:00)



+16233633997

Jesse Allen Maupin <2709709453>

3/2/2022, 9:52 AM

Good morning!! Have you had any luck locating 98266??

DH

Daniel Herschberger <6233633997>

3/2/2022, 9:53 AM

Not yet



Jesse Allen Maupin <2709709453>

3/2/2022, 12:04 PM

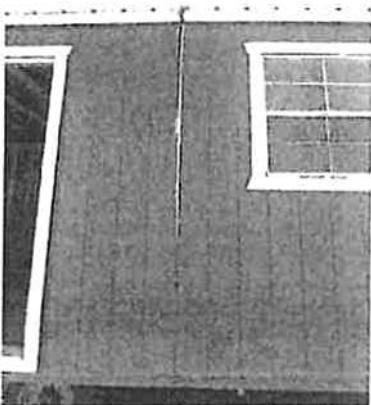


Image: ~_Library_SMS_Attachments_66_06_BD68F4B1-D345-46C5-9F12-B483792740FE_0301221422.JPG (886 KB)

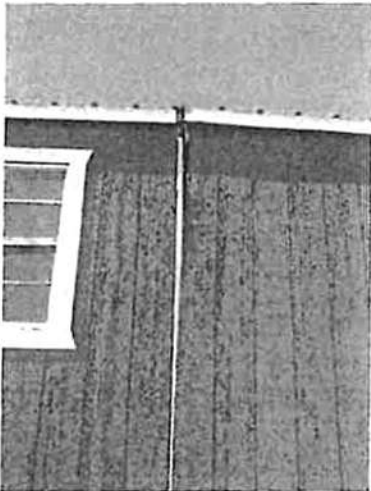


Image: ~_Library_SMS_Attachments_fe_14_2D8B5624-635E-41E3-BA6D-60C7FADE6297_0301221422a.JPG (1 MB)

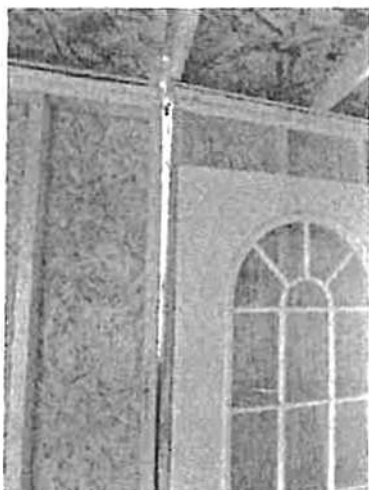


Image: ~_Library_SMS_Attachments_fe_14_1EE29888-19A4-411D-8936-19EECBEB84D5_0301221422a_HDR.JPG (647 KB)

File "a3b5d0ca-9014-4375-8c0a-dadc929fa826.JPG" is missing.

Image: ~_Library_SMS_Attachments_96_06_BFEDF4A8-3564-440C-9B1F-1C831CEE58A0_0301221422_HDR.JPG

Jesse Allen Maupin <2709709453>

3/2/2022, 1:00 PM

Attachment: ~_Library_SMS_Attachments_4a_14_591CCE27-C756-422A-BCED-DBBF7EE1AAE0_IMG_2718.HEIC (1 MB)

Attachment: ~_Library_SMS_Attachments_98_08_26825ACD-2626-41CC-9CBE-E7589961D54D_IMG_2717.HEIC (1 MB)

Attachment: ~_Library_SMS_Attachments_ca_10_2CFC3D8F-24C4-4E7B-81A4-1825CC93DEA0_IMG_2719.HEIC (1 MB)

DH Daniel Herschberger <6233633997>

3/2/2022, 1:02 PM

That looks promising

Jesse Allen Maupin <2709709453>

3/2/2022, 2:49 PM

Attachment: ~_Library_SMS_Attachments_1f_15_101F2F09-ED82-43D9-B7B6-E8CE5908FC99_66794693994_475F35A7-45FE-4D47-8E00-A20163C36868.HEIC (2 MB)

DH Daniel Herschberger <6233633997>

3/2/2022, 2:53 PM

So building 2,3 and the available land to park buildings

Jesse Allen Maupin <2709709453>

3/2/2022, 2:58 PM

Possibly and they are big buildings

DH Daniel Herschberger <6233633997>

3/2/2022, 2:59 PM

Yep

Jesse Allen Maupin <2709709453>

3/2/2022, 3:11 PM

I've got robin looking into it

DH

Daniel Herschberger <6233633997>

3/2/2022, 3:13 PM

Our Sam Jones guy is with that Collier company

Jesse Allen Maupin <2709709453>

3/2/2022, 3:59 PM

Just got off the phone with robin she's working on a big cotton gin that hasn't been used in a while and it had almost 80 acres around it a family friend of theirs

Jesse Allen Maupin <2709709453>

3/2/2022, 4:53 PM

Get Pams new hire in and do his paperwork and get it to JHOLL

Short Message Report

Conversations: 1
Total Messages: 9

Participants: 2
Date Range: 3/29/2022

Outline of Conversations



Maupin Jesse <2709709453> Maupin Jesse <12709709453> • 9 messages on 3/29/2022 • Maupin
Jesse <12709709453> • Maupin Jesse <2709709453>



Confidential

3-2-25 Compromise Green Batch Mobile_000028698
ABCO_0049640

Messages in chronological order (times are shown in GMT -05:00)



Maupin Jesse <2709709453> Maupin Jesse <12709709453>

Maupin Jesse <2709709453> 3/29/2022, 9:26 AM
Good morning!! Holler at me when you get to the office

Maupin Jesse <2709709453> 3/29/2022, 10:12 AM
Did you ever talk to Sam

Maupin Jesse <2709709453> 3/29/2022, 11:12 AM
I know all of these people asking for this and that is a crock of BS and I get it all too well! But right now we just have to do what's best for our main goal and that's give them what they want and make everything seem ok until we walk away from this I know I despise coming in here and having to get ridiculed and looked down on and see how they treat people but I can promise you will have our redemption and get what we all have busted our butts for and earned.

Maupin Jesse <2709709453> 3/29/2022, 1:32 PM
I'm on the other line. I will call you back shortly.

? Undefined Participant 3/29/2022, 2:15 PM
Is Steven hooks paperwork good to go

Maupin Jesse <2709709453> 3/29/2022, 2:22 PM
Yes he can start tomorrow

Maupin Jesse <2709709453> 3/29/2022, 4:16 PM
Thank you man!!

Maupin Jesse <2709709453> 3/29/2022, 6:52 PM
It's a beast!!!

? Undefined Participant 3/29/2022, 6:52 PM
Yep

Short Message Report

Conversations: 1
Total Messages: 18

Participants: 2
Date Range: 3/30/2022

Outline of Conversations

Maupin Jesse <2709709453> Maupin Jesse <12709709453> • 18 messages on 3/30/2022 • Maupin Jesse <12709709453> • Maupin Jesse <2709709453>

Messages in chronological order (times are shown in GMT -05:00)



Maupin Jesse <2709709453> Maupin Jesse <12709709453>

Maupin Jesse <2709709453> 3/30/2022, 9:30 AM
Jackson is going nuts about Adams paperwork can you swing by his house and pick it up so you can scan it and email it to him

? Undefined Participant 3/30/2022, 9:43 AM
I guess then logs are going to have to wait

Maupin Jesse <2709709453> 3/30/2022, 9:48 AM
Be sure and explain why they were late due to the fact you had to leave the shop to go to Adams house to get mike Jackson paperwork for accident

? Undefined Participant 3/30/2022, 9:50 AM
I went to school with Joshua Imhoff back in Ohio when I was a kid

Maupin Jesse <2709709453> 3/30/2022, 9:52 AM
That's bad man

? Undefined Participant 3/30/2022, 9:54 AM
Yeah it's pretty crazy you don't sign up for that when you get on the road but sometimes things happen

Maupin Jesse <2709709453> 3/30/2022, 11:46 AM
I wrote that letter this morning but I don't know if it will be good or not and I can't use this computer to type anything you wanna write it and me sign it

? Undefined Participant 3/30/2022, 12:04 PM
Sure

Maupin Jesse <2709709453> 3/30/2022, 2:46 PM
Check your email

? Undefined Participant 3/30/2022, 2:48 PM
Got it

? Undefined Participant 3/30/2022, 3:09 PM
Brush fire threatening bromm

Maupin Jesse <2709709453> 3/30/2022, 3:19 PM
Man I hope not! That would suck. For Ed

Maupin Jesse <2709709453> 3/30/2022, 4:44 PM
Did Paul flip out about working Saturday??

? Undefined Participant 3/30/2022, 4:45 PM
No he just calmly said he going to keep doing what he's doing and stuff will get done which I think is to be interpreted that he will not be working Saturday

Maupin Jesse <2709709453> 3/30/2022, 4:46 PM
That's not gonna work do you mind if I call him??

? Undefined Participant 3/30/2022, 4:47 PM
I don't mind at all cuz he doesn't take me seriously so maybe if he hears the problem from higher up it will sink in

Maupin Jesse <2709709453>

3/30/2022, 4:49 PM

Start sending everything to my ProtonMail account it's never been linked to my office computer and that makes me warm and fuzzy.

?

Undefined Participant

3/30/2022, 4:50 PM

Ok

Message

From: Daniel Hershberger [danhersh@hotmail.com]
on behalf of Daniel Hershberger <danhersh@hotmail.com> [danhersh@hotmail.com]
Sent: 3/30/2022 12:38:53 PM
To: westkentuckyqdma@gmail.com
Subject: something like this?

Daniel Hershberger and Jesse Maupin have been in the shed industry since 2005 and have been working together at their current employer since 2011. When Daniel was working for Dry Creek Mini Barns he was tasked to travel to Lancaster, PA to study as many shed shops as possible and bring back as many improvements to the process as possible. Jesse was responsible for opening up the entire western states market for WeatherKing Portable Buildings.

Moving forward Jesse Maupin will be the principal in American Barn Co. representing several investors in a multi-state shed operation. Daniel Hershberger will be the principal in Sonoran Sheds, LLC and will be contracted to Jesse to locally produce the sheds being sold in this area. There will be a network of dealers who will generate sales that will be built by Sonoran Sheds and then delivered by a group of contracted drivers all under the leadership of American Barn Co.

These gentlemen have worked together for over 11 years, Jesse as regional manager and Daniel as production plant manager. In that time they have witnessed their industry grow by leaps and bounds. They believe that they are putting together an A+ team to lead the growth into the future.

Sent from [Mail](#) for Windows



Message

From: Jesse Maupin [westkentuckyqdma@gmail.com]
on behalf of Jesse Maupin <westkentuckyqdma@gmail.com> [westkentuckyqdma@gmail.com]
Sent: 3/30/2022 1:32:26 PM
To: Daniel Hershberger [danhersh@hotmail.com]
Subject: Re: something like this?

Nice !!!

Jesse Maupin
Weather King Portable Buildings
295 Jim Adams Drive
P. O. Box 108
Paris, TN 38242
Phone 270-970-9453
Email jmaupin@consolidatedbuildings.com

On Mar 30, 2022, at 12:38 PM, Daniel Hershberger <danhersh@hotmail.com> wrote:

Daniel Hershberger and Jesse Maupin have been in the shed industry since 2005 and have been working together at their current employer since 2011. When Daniel was working for Dry Creek Mini Barns he was tasked to travel to Lancaster, PA to study as many shed shops as possible and bring back as many improvements to the process as possible. Jesse was responsible for opening up the entire western states market for WeatherKing Portable Buildings.

Moving forward Jesse Maupin will be the principal in American Barn Co. representing several investors in a multi-state shed operation. Daniel Hershberger will be the principal in Sonoran Sheds, LLC and will be contracted to Jesse to locally produce the sheds being sold in this area. There will be a network of dealers who will generate sales that will be built by Sonoran Sheds and then delivered by a group of contracted drivers all under the leadership of American Barn Co.

These gentlemen have worked together for over 11 years, Jesse as regional manager and Daniel as production plant manager. In that time they have witnessed their industry grow by leaps and bounds. They believe that they are putting together an A+ team to lead the growth into the future.

Sent from [Mail](#) for Windows

Short Message Report

Conversations: 1
Total Messages: 5

Participants: 2
Date Range: 4/18/2022

Outline of Conversations

Maupin Jesse <2709709453> Maupin Jesse <12709709453> • 5 messages on 4/18/2022 • Maupin
Jesse <12709709453> • Maupin Jesse <2709709453>



Messages in chronological order (times are shown in GMT -05:00)**Maupin Jesse <2709709453> Maupin Jesse <12709709453>**

MJ

Maupin Jesse <2709709453>

4/18/2022, 3:32 PM

I don't remember that other section as much other than it doesn't have as much usable room does it??

MJ

Maupin Jesse <2709709453>

4/18/2022, 3:32 PM

It's a smaller
Parcel
Too

MJ

Maupin Jesse <2709709453>

4/18/2022, 3:33 PM

Their drawing doesn't show all
Of the ground that is did before for
Our spot either

?

Undefined Participant

4/18/2022, 3:33 PM

Yes it's smaller. It would have canopies possibly even better than the South side but the only buildings that's there I think is a double wide I don't think there's really anything usable

MJ

Maupin Jesse <2709709453>

4/18/2022, 3:35 PM

Well with that and it being smaller I don't think we should have to pay the same amount I had wondered if they would be bale to leave that place man I don't know
About that

Short Message Report

Conversations: 1
Total Messages: 14

Participants: 2
Date Range: 5/17/2022

Outline of Conversations

Maupin Jesse <2709709453> Maupin Jesse <12709709453> • 14 messages on 5/17/2022 • Maupin Jesse <12709709453> • Maupin Jesse <2709709453>



Messages in chronological order (times are shown in GMT -05:00)**Maupin Jesse <2709709453> Maupin Jesse <12709709453>****Maupin Jesse <2709709453>**

5/17/2022, 3:04 PM

Have you talked to any of the guys yet??

**Undefined Participant**

5/17/2022, 3:08 PM

Not yet

**Maupin Jesse <2709709453>**

5/17/2022, 3:08 PM

Not a big deal just curious

**Undefined Participant**

5/17/2022, 3:09 PM

I do think they are getting suspicious. But I haven't filled them in yet

**Maupin Jesse <2709709453>**

5/17/2022, 3:10 PM

If you happen to get a chance see what price and delivery schedule mueller is on for metal

**Undefined Participant**

5/17/2022, 3:15 PM

Will do 🙌

**Maupin Jesse <2709709453>**

5/17/2022, 3:17 PM

I can't do squat here from the office

**Undefined Participant**

5/17/2022, 3:18 PM

Yep. I've called about half the applications only 1 answer

**Maupin Jesse <2709709453>**

5/17/2022, 3:22 PM

Typical deal

**Maupin Jesse <2709709453>**

5/17/2022, 4:28 PM

Has Wendy berns been called yet

**Undefined Participant**

5/17/2022, 4:28 PM

Yes it's scheduled for Friday

**Maupin Jesse <2709709453>**

5/17/2022, 4:32 PM

Thanks man!!

**Undefined Participant**

5/17/2022, 4:33 PM

We're set up to do Ricky Dugan reroof June 1st

**Maupin Jesse <2709709453>**

5/17/2022, 4:35 PM

Good deal!!

Short Message Report

Conversations: 1
Total Messages: 1

Participants: 2
Date Range: 5/11/2022

Outline of Conversations

Maupin Jesse <2709709453> <6233633997> • 1 message on 5/11/2022 • <6233633997> • **Maupin Jesse** <2709709453>



Comms_000016627
ABCO_0064788

Messages in chronological order (times are shown in GMT -05:00)**Maupin Jesse <2709709453> <6233633997>**

ALJ

Maupin Jesse <2709709453>

5/11/2022, 10:59 AM

Stephanie is off next week so she needs payroll first thing this Friday morning and then she will have it back to you same day to finish so JHOLL won't have to get involved with it. Can y'all make that happen for her

Short Message Report

Conversations: 1
Total Messages: 6

Participants: 2
Date Range: 5/12/2022

Outline of Conversations

Maupin Jesse <2709709453> Maupin Jesse <12709709453> • 6 messages on 5/12/2022 • Maupin Jesse <12709709453> • Maupin Jesse <2709709453>



Messages in chronological order (times are shown in GMT -05:00)**Maupin Jesse <2709709453> Maupin Jesse <12709709453>****Maupin Jesse <2709709453>**

5/12/2022, 4:13 PM

And 99704 doesn't pull

**Undefined Participant**

5/12/2022, 4:15 PM

That's the stuff dated tomorrow

**Undefined Participant**

5/12/2022, 4:19 PM

99704 is on the delivered log

**Maupin Jesse <2709709453>**

5/12/2022, 4:29 PM

Your gonna get us all fired

**Undefined Participant**

5/12/2022, 4:29 PM

I know

**Undefined Participant**

5/12/2022, 4:36 PM

There's another one that Adrian and Logan cleaned up here a little bit ago they marked it as not in our system but clearly it's somewhere because it was built and paid to Arlan back in November

Short Message Report

Conversations: 1
Total Messages: 5

Participants: 2
Date Range: 5/26/2022

Outline of Conversations

Maupin Jesse <2709709453> Maupin Jesse <12709709453> • 5 messages on 5/26/2022 • Maupin Jesse <12709709453> • Maupin Jesse <2709709453>



Comms_000016680
ABCO_0064825

Messages in chronological order (times are shown in GMT -05:00)**Maupin Jesse <2709709453> Maupin Jesse <12709709453>****MJ****Maupin Jesse <2709709453>**

5/26/2022, 8:52 AM

You almost here

?**Undefined Participant**

5/26/2022, 8:53 AM

10002 Sante fe sun city az

MJ**Maupin Jesse <2709709453>**

5/26/2022, 8:58 AM

Here

MJ**Maupin Jesse <2709709453>**

5/26/2022, 2:52 PM

Erin Barker. PSLBX-1232-100053

MJ**Maupin Jesse <2709709453>**

5/26/2022, 2:52 PM

This own needs down before June 1st FS

Short Message Report

Conversations: 1
Total Messages: 13

Participants: 4
Date Range: 5/27/2022


Outline of Conversations



Jason <9282320664> Kauffman Kevin <2709630451> Tim Kauffman <9033037588>
<6233633997> • 13 messages on 5/27/2022 • <6233633997> • Jason <9282320664> • Kauffman Kevin
<2709630451> • Tim Kauffman <9033037588>



Messages in chronological order (times are shown in GMT -05:00)

 Jason <9282320664> Kauffman Kevin <2709630451> Tim Kauffman <9033037588>
<6233633997>

<6233633997> 5/27/2022, 8:57 PM
Hey guys
I'm meeting with WK drivers on Monday to discuss future changes and opportunities....just wondering if you would like to get in on it

<6233633997> 5/27/2022, 8:57 PM
Hey guys
I'm meeting with WK drivers on Monday to discuss future changes and opportunities....just wondering if you would like to get in on it

J Jason <9282320664> 5/27/2022, 8:58 PM
Yes

KK Kauffman Kevin <2709630451> 5/27/2022, 9:04 PM
Wen n were...wud love to if I can work around our moving

<6233633997> 5/27/2022, 9:09 PM
Planning for 9 am at the black rock coffee by Costco over by 303

<6233633997> 5/27/2022, 9:09 PM
Planning for 9 am at the black rock coffee by Costco over by 303

J Jason <9282320664> 5/27/2022, 9:09 PM
I'll be there

TK Tim Kauffman <9033037588> 5/27/2022, 9:42 PM
Tomorrow morning??

<6233633997> 5/27/2022, 9:46 PM
We've got the other guys set up for Monday

<6233633997> 5/27/2022, 9:46 PM
We've got the other guys set up for Monday

TK Tim Kauffman <9033037588> 5/27/2022, 9:51 PM
O sorry..... I totally missed the Monday part ♦♦♦♦

<6233633997> 5/27/2022, 9:52 PM
No problem

<6233633997> 5/27/2022, 9:52 PM
No problem

Short Message Report

Conversations: 1
Total Messages: 15

Participants: 2
Date Range: 6/1/2022

Outline of Conversations

Maupin Jesse <2709709453> Maupin Jesse <12709709453> • 15 messages on 6/1/2022 • Maupin Jesse <12709709453> • Maupin Jesse <2709709453>



Comms_000016688
ABCO_0064833

Messages in chronological order (times are shown in GMT -05:00)



Maupin Jesse <2709709453> Maupin Jesse <12709709453>



Maupin Jesse <2709709453>
Paul just called here and I answered

6/1/2022, 9:33 AM



Undefined Participant
And so it begins

6/1/2022, 9:33 AM



Maupin Jesse <2709709453>
I may have bought some time but he's working hard on finding answers and they don't wanna go anywhere I told them if they wanted answers to call me

6/1/2022, 10:45 AM



Maupin Jesse <2709709453>
It's been me and you as the problem corporate wouldn't mistreat them and your lazy and I'm a liar but whatever I just need a lil more time

6/1/2022, 10:46 AM



Undefined Participant
Yep

6/1/2022, 10:46 AM



Undefined Participant
Well I ain't going to let it get to me but it's interesting to call the guy that ripped all your building so you can get paid lazy

6/1/2022, 10:47 AM



Undefined Participant
Roofed

6/1/2022, 10:47 AM



Maupin Jesse <2709709453>
Who do you think you have on board with you

6/1/2022, 11:00 AM



Maupin Jesse <2709709453>
After he got off the phone with me he went and talked to Shannon and went back to his hole

6/1/2022, 11:00 AM



Undefined Participant
We have Nate and Jake and StevenI think with the right finesse we can get Adam and Richard then I think all the rest will follow us. Paul is literally just him and Shannon and nobody wants them anyway. Richard just said that he is opposed to change so he would just stay and deal with it unless the change is really good

6/1/2022, 11:05 AM



Undefined Participant
Well Paul's putting out the word in the shop so anyone that can directly contact Jill should let him know cuz he wasn't happy with your conversation

6/1/2022, 11:55 AM



Maupin Jesse <2709709453>
Berryman knows called Kerry Ratzlaff don't call back I will call you later

6/1/2022, 1:16 PM



Undefined Participant
10-4

6/1/2022, 1:17 PM



Undefined Participant
David just sent me packin

6/1/2022, 3:42 PM



Maupin Jesse <2709709453>
I'm on the other line. I will call you back shortly.

6/1/2022, 3:43 PM

Short Message Report

Conversations: 1
Total Messages: 9

Participants: 2
Date Range: 5/23/2022

Outline of Conversations



Maupin Jesse <2709709453> Maupin Jesse <12709709453> • 9 messages on 5/23/2022 • Maupin
Jesse <12709709453> • Maupin Jesse <2709709453>



Messages in chronological order (times are shown in GMT -05:00)**Maupin Jesse <2709709453> Maupin Jesse <12709709453>**

MJ

Maupin Jesse <2709709453>
Jesse Maupin
8139 State Route 121 South
Murray KY 42071
United States
270-970-9453
americanbarnco@protonmail.com

5/23/2022, 11:46 AM

?

Undefined Participant
Thank you

5/23/2022, 11:59 AM

MJ

Maupin Jesse <2709709453>
You bet

5/23/2022, 11:59 AM

?

Undefined Participant
Sam made the correction to say 3 months

5/23/2022, 12:33 PM

MJ

Maupin Jesse <2709709453>
Can you give me a status on this

5/23/2022, 3:55 PM

MJ

Maupin Jesse <2709709453>
Tammy smith 3
#99879
WVK cottonwood

5/23/2022, 3:55 PM

?

Undefined Participant
It's assigned to Nate his second order down ...now Nate's on 3 days out for his wife's medical thing

5/23/2022, 4:21 PM

?

Undefined Participant
Well ...Adam sold \$45,000 today

5/23/2022, 5:37 PM

MJ

Maupin Jesse <2709709453>
Solid

5/23/2022, 6:00 PM

Short Message Report

Conversations: 1
Total Messages: 15

Participants: 2
Date Range: 1/18/2022

Outline of Conversations

Maupin Jesse <2709709453> Maupin Jesse <12709709453> • 15 messages on 1/18/2022 • Maupin Jesse <12709709453> • Maupin Jesse <2709709453>



5.21.24 Compromise Orange Batch Mobile_000009775
ABCO_0051643

Messages in chronological order (times are shown in GMT -06:00)**Maupin Jesse <2709709453> Maupin Jesse <2709709453>****Maupin Jesse <2709709453>**
You gotta horse barn gate ??

1/18/2022, 12:49 PM

**Maupin Jesse <2709709453>**
Got a rush 1220 coming through

1/18/2022, 12:49 PM

**Undefined Participant**
No

1/18/2022, 12:50 PM

**Maupin Jesse <2709709453>**
Ok we will have to have one delivered then or get one for it man sorry I thought I seen one there

1/18/2022, 12:51 PM

**Undefined Participant**
Don't know where it would be. I'll figure it out

1/18/2022, 12:52 PM

**Undefined Participant**
What's your secure email

1/18/2022, 1:17 PM

**Maupin Jesse <2709709453>**
westkentuckyqdma@gmail.com

1/18/2022, 1:26 PM

**Maupin Jesse <2709709453>**
That email never came through

1/18/2022, 3:48 PM

**Maupin Jesse <2709709453>**
That thing is huge will they lease a certain area or square footage??

1/18/2022, 3:58 PM

**Undefined Participant**
I'm working on that see what we can figure out but that's kind of the only thing I can find

1/18/2022, 3:59 PM

**Undefined Participant**
I asked the realtor if this one doesn't work out if what else we can look at he's like there's nothing

1/18/2022, 4:00 PM

**Maupin Jesse <2709709453>**
Would you go to Pinal county casa grande

1/18/2022, 4:03 PM

**Maupin Jesse <2709709453>**
I don't want too but I'm sure I can find something down there

1/18/2022, 4:04 PM

**Undefined Participant**
We might have to but I really want to stay close so we can offer our guys a job if they want it

1/18/2022, 4:26 PM

**Maupin Jesse <2709709453>**
I would like too also

1/18/2022, 4:53 PM

Short Message Report

Conversations: 1
Total Messages: 4

Participants: 2
Date Range: 2/15/2022

Outline of Conversations



Maupin Jesse <2709709453> Maupin Jesse <2709709453> • 4 messages on 2/15/2022 • Maupin Jesse <2709709453> • Maupin Jesse <2709709453>



Messages in chronological order (times are shown in GMT -06:00)



Maupin Jesse <2709709453> Maupin Jesse <12709709453>



Undefined Participant

2/15/2022, 9:04 AM

Are we still on for our phone meeting with Sam jones



Maupin Jesse <2709709453>

2/15/2022, 9:04 AM

I haven't gotten a call but I can do it



Maupin Jesse <2709709453>

2/15/2022, 1:22 PM

Remember you don't know Denver and Jill are coming



Undefined Participant

2/15/2022, 1 22 PM

Right

Short Message Report

Conversations: 1
Total Messages: 9

Participants: 2
Date Range: 2/25/2022

Outline of Conversations



Maupin Jesse <2709709453> Maupin Jesse <12709709453> · 9 messages on 2/25/2022 · Maupin
Jesse <12709709453> · Maupin Jesse <2709709453>



Messages in chronological order (times are shown in GMT -06:00)**Maupin Jesse <2709709453> Maupin Jesse <12709709453>**

?

Undefined Participant

2/25/2022, 11:27 AM

If we find some bare land do you have any ideas for shade or something to work in

MJ

Maupin Jesse <2709709453>

2/25/2022, 11:27 AM

A big American steel building carport type deal

?

Undefined Participant

2/25/2022, 11:28 AM

How quick can that happen

MJ

Maupin Jesse <2709709453>

2/25/2022, 11:29 AM

I don't know we can call them and see how far they are behind

?

Undefined Participant

2/25/2022, 11:33 AM

I've got 3 pieces I want to go look at but I'm not sure that might be the only way forward

MJ

Maupin Jesse <2709709453>

2/25/2022, 11:39 AM

If we can't find a building there it may be or look in casa grande

?

Undefined Participant

2/25/2022, 11:39 AM

I'm warming up to that idea too

MJ

Maupin Jesse <2709709453>

2/25/2022, 2:14 PM

I'm on the other line. I will call you back shortly.

MJ

Maupin Jesse <2709709453>

2/25/2022, 4:42 PM

Don't pressure Reiter I think glen Yost has started those truss presses